



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Patricia Reevey,
Assistant Municipal Treasurer
(M0574B), Lacey Township

Examination Appeal

CSC Docket No. 2021-1735

ISSUED: JULY 26, 2021 (RE)

Patricia Reevey appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the educational requirements for the open competitive examination for Assistant Municipal Treasurer (M0574B), Lacey Township.

The subject examination announcement was issued with a closing date of August 21, 2020, and was open to residents of Lacey Township, and Ocean County who met the announced requirements. These requirements included possession of a Bachelor’s degree, including or supplemented by twenty-one semester hour credits in professional accounting subjects AND four years of supervisory accounting experience in work involving the installation, operation, and auditing of large-scale systems of accounts, one year of which shall have been in municipal accounting or auditing. Applicants who satisfactorily completed twenty-one credits of professional accounting courses at an accredited college or university could substitute additional accounting experience for the remainder of the above educational requirement on a year-for-year basis. Possession of a valid certificate as a Municipal Finance Officer issued by the New Jersey Department of Community Affairs, Division of Local Government Services could be substituted for the above educational requirements. Two candidates appear on the eligible list, which was certified, but no appointments have yet been made.

On her application, the appellant indicated that she possessed a Bachelor’s degree in Public Health, and her transcripts show three accounting credits for a class entitled Principals of Accounting 1 (ACCT161). She was found to have met the

experience requirement, and was not eligible as she lacked 18 of the required 21 credits in Accounting. She listed experience as a provisional Assistant Municipal Treasurer with Lacey Township (full-time) from May 2018 to August 2020; Assistant Municipal Treasurer with West Long Branch from May 2016 to June 2019 (full-time, overlaps with the first position for a year and one month); Manager with Hillsborough City Public Utilities (full-time) from July 2015 to April 2016; Deputy Tax/Finance (full-time) with South Toms River from February 2010 to June 2015; Office Services Director with CDG Management from June 2005 to April 2009; and Accounting Manager with US Telecommunications from July 1995 to May 2003. Official records indicate that the appellant was hired as a Secretary Board/Commission with the South Toms River Planning Board (part-time, 50%) in January 2012, and is still active in that position. According to another application for an examination for Management Assistant (C0742R), submitted in 2013, the appellant stated that she was an Administrative Clerk for South Toms River. She also indicated two positions for CDG Management, Office Services Director and Junior Accountant. Lastly, she listed her position with US Telecommunications as Accounting/Purchasing Manager. She was found to have met the experience requirement.

On appeal, the appellant states that she has worked for four years in the position and is an intricate part of the finance office operation. She states that her overall academic accomplishments and work experience surpasses the requirements for the examination, as she has mastered the functions of accounting. She provides each of her positions with associated duties, and provides descriptions of certificates that she has earned towards obtaining a valid certificate as a Municipal Finance Officer issued by the New Jersey Department of Community Affairs.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

N.J.A.C. 4A:4-1.5(a) states that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. There is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment;
2. The appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment;
and

3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

In order to ensure that the work of an appointing authority will not be adversely impacted by the absence of a list of interested eligibles for a specific position, *N.J.A.C.* 4A:4-1.5(a) provides for provisional appointments until a competitive examination and employment roster can be promulgated. This approach balances both the immediate needs of an appointing authority to staff critical positions with the underlying purpose of the Civil Service system to ensure that permanent appointments are made on the basis of merit and fitness. Acting within the parameters of the Civil Service law and rules, it is the appointing authority's function to determine how to organize its functions and determine its staffing needs. Subsequently, this agency reviews the appointing authority's actions to ensure that Civil Service rules have been followed and to advise appointing authorities to take corrective measures when necessary.

Against this setting, the appellant's application history was reviewed as she has been a provisional employee for five years and four months as of the August 21, 2020 closing date and remains in that position. The appellant was correctly denied admittance to the subject examination since she lacked the required amount of specific college credits, or the certificate as a Municipal Finance Officer which could be substituted for the education. On appeal, the appellant does not maintain that she meets the educational requirement, but that she gained the knowledge to do the work, and she requests that her experience be accepted as a substitute. In this regard, there are two eligibles on the current list, and one eligible from a prior list on the certification. As such, the appointing authority has been given a complete list, and therefore there is no good cause to relax the rules to allow for such a substitution.

While the Commission holds the appellant harmless in that her continued provisional service is being credited to her for examination eligibility purposes and for the possibility of permanent appointment, in the future, when a provisional employee who has been deemed ineligible by this agency after a competitive announcement for a position, the appointing authority should make an appointment from a complete eligible list, if one exists, or take steps to recruit a new provisional appointee who satisfies the requirements of the title, and then separate the provisional appointee in compliance with *N.J.A.C.* 4A:4-1.5(b). Failure to do so may result in the imposition of fines or other penalties in the future. See *N.J.S.A.* 11A:10-3 and *N.J.A.C.* 4A:10-2.1(a)2.

An independent review of all material presented indicates that the decision of Agency Services that appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. Appellant provides

no basis to disturb this decision. Thus, appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF JULY, 2021

Deirdre L. Webster Cobb

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